

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claim 1 has been amended. Support for the amendments may be found in the specification and claims as originally filed. No new matter has been added.

Upon entry of this amendment, claims 1-5, 7-18, 30, 36-38, 40-43 and 45 will be pending in the present application, with claims 1 and 38 being independent. Claims 6 and 44 are canceled herein without prejudice or disclaimer. Claims 19-29, 31-35 and 39 were previously canceled without prejudice or disclaimer.

1. Rejections Under 35 U.S.C. §103

A. Obviousness in view of Carr, Mori, Kuzma, Boetje et al., ATVEF and Keronen et al.

The Office Action rejects claims 1, 3, 5, 7-11, 14-18, 36-38 and 40-45 under 35 U.S.C. §103(a) as being unpatentable over Carr (U.S. Patent Application Publication No. 2003/0133043) in view of Mori (U.S. Patent 7,013,479) in view of Kuzma (U.S. Patent 5,889,950) in view of Boetje et al. (U.S. Patent 6,198,906) further in view of ATVEF specification and further in view of Keronen et al. (U.S. Patent 6,567,530). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 17 concedes that the cited references Carr, Mori, Kuzma, Boetje et al., ATVEF and Keronen et al., fail to disclose delivering the enhanced programming content in an order selected from the group consisting of a sequential order and an asynchronous order.

The Office Action on page 17 asserts that the “Goodman et al. reference teaches a timeline data structure that functions as the carousel data structure where the data modules are in sequential order (Figure 3) so as to provide a cyclic time-structured method of providing enhanced programming to the viewer”. Even assuming arguendo that this assertion regarding

Type of Response: Amendment
Application Number: 09/734,973
Attorney Docket Number: 150426.01
Filing Date: December 11, 2000

Goodman et al. is correct, Goodman et al. still fails to disclose or suggest at least the elements of delivering the enhanced programming content in an asynchronous order, as included in claim 1 as amended and claim 38.

Additionally, the Office Action on page 14 asserts that “video inherently has a specific number of frames per unit of time (e.g., 30 frames/second) . . . by specifying time, a number of frames are also specified”. Even assuming arguendo that this assertion is correct, none of the cited references Carr, Mori, Kuzma, Boetje et al., ATVEF and Keronen et al., disclose or suggest specifically designating a number of frames (i.e., as opposed to a time) following a start time to specify delivery. As a result, none of the cited references disclose the elements of wherein the timeline data structure designates a particular number of frames following the specific start time to specify when the trigger data structure, the announcement data structure, and the package data structure will be delivered, as included in claim 1 as amended and claim 38.

Therefore, since the cited references fail to disclose or suggest all of the elements of claims 1 and 38, these claims are allowable.

Claims 3, 5, 7-11, 14-18, 36-37, 40-43 and 45 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 3, 5, 7-11, 14-18, 36-37, 40-43 and 45 are also allowable.

Since claim 44 has been canceled, the rejection of this claim is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1, 3, 5, 7-11, 14-18, 36-38 and 40-45 under 35 U.S.C. §103(a) are respectfully requested.

B. Obviousness in view of Carr, Mori, Kuzma, Boetje et al., ATVEF, Keronen et al. and Valdez, Jr.

The Office Action rejects claims 2, 4 and 30 under 35 U.S.C. §103(a) as being unpatentable over Carr, Mori, Kuzma, Boetje et al., ATVEF specification, Keronen et al. and further in view of Valdez, Jr. (U.S. Patent 6,426,778). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Carr, Mori, Kuzma, Boetje et al., ATVEF and Keronen et al., alone

Type of Response: Amendment
Application Number: 09/734,973
Attorney Docket Number: 150426.01
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or in combination, fail to disclose or suggest all of the elements of claim 1. Valdez, Jr. fails to cure this defect.

Valdez, Jr. discloses an editing system and delivery system that synchronizes the transmission of interactive elements with a video signal, such that the interactive components may supplement information provided in the video signal at predefined periods. The interactive elements are transmitted in relation to the video such that the interactive elements will arrive in time to display the components concurrently with a portion of the video presentation (see col. 3, lines 44-52). However, Valdez, Jr. fails to disclose or suggest the elements of delivering the enhanced programming content in an asynchronous order, and wherein the timeline data structure designates a particular number of frames following the specific start time to specify when the trigger data structure, the announcement data structure, and the package data structure will be delivered, as included in claim 1.

Therefore, since Carr, Mori, Kuzma, Boetje et al., ATVEF specification, Keronen et al. and Valdez, Jr., alone or in combination, fail to disclose or suggest all of the elements of claim 1, this claim is allowable.

Claims 2, 4 and 30 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 2, 4 and 30 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 2, 4 and 30 under 35 U.S.C. §103(a) are respectfully requested.

C. Obviousness in view of Carr, Mori, Kuzma, Boetje et al., ATVEF specification, Keronen et al. and Goodman et al.

The Office Action rejects claims 6 and 12-13 under 35 U.S.C. §103(a) as being unpatentable over Carr, Mori, Kuzma, Boetje et al., ATVEF specification, Keronen et al. and further in view of Goodman et al. (U.S. Patent 6,427,238). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Carr, Mori, Kuzma, Boetje et al., ATVEF and Keronen et al., alone

Type of Response: Amendment
Application Number: 09/734,973
Attorney Docket Number: 150426.01
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or in combination, fail to disclose or suggest all of the elements of claim 1. Goodman et al. fails to cure this defect.

Goodman et al. discloses a system and method implemented in an interactive television system for managing modules of interactive television applications. However, Goodman et al. fails to disclose or suggest the elements of delivering the enhanced programming content in an asynchronous order, and wherein the timeline data structure designates a particular number of frames following the specific start time to specify when the trigger data structure, the announcement data structure, and the package data structure will be delivered, as included in claim 1.

Therefore, since Carr, Mori, Kuzma, Boetje et al., ATVEF specification, Keronen et al. and Goodman et al., alone or in combination, fail to disclose or suggest all of the elements of claim 1, this claim is allowable.

Claims 12-13 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 12-13 are also allowable.

Since claim 6 has been canceled, the rejection of this claim is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 6 and 12-13 under 35 U.S.C. §103(a) are respectfully requested.

2. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

Type of Response: Amendment
Application Number: 09/734,973
Attorney Docket Number: 150426.01
Filing Date: December 11, 2000

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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Date: November 12, 2007

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